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Counsel to The Joe and Frances McCann Family Limited Partnership

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDING CORPORATION, et
al.,

Debtors.

Chapter 11

Case No. 18-23538 (RDD)

Jointly Administered

**OBJECTION OF THE JOE AND FRANCES MCCANN FAMILY
LIMITED PARTNERSHIP (Store #7033) TO THE DEBTORS' NOTICE OF CURE
COSTS AND POTENTIAL ASSUMPTION AND ASSIGNMENT OF EXECUTORY
CONTRACTS AND UNEXPIRED LEASES
IN CONNECTION WITH GLOBAL SALE TRANSACTIONS**

The Joe and Frances McCann Family Limited Partnership (“MFLP”), through its undersigned counsel, hereby objects to stated cure amount set forth in the above-referenced debtors’ (collectively, the “Debtors”) Notice of Cure Costs and Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Global Sale Transactions” [Docket No. 1731] (the “Cure Notice”), as follows:

1. MFLP is the lessor and Debtor KMart Corporation is the lessee with respect to certain real property located at 1815 21st Street, Lewiston, Idaho, 83501 (the “Premises”), known as Store 7033, under the terms of a Lease originally dated October 23, 1973, as amended (the

“Lease”).

2. Upon information and belief, Debtor KMart Corporation operates its store #7033 at the Premises.

3. On or after January 18, 2019, the Debtors provided the Cure Notice to MFLP.

4. At Line 271 of Schedule “B” of the Cure Notice, the cure amount for the Lease is stated as \$2,801.00, which is incorrect. As a result, MFLP objects to this cure amount.

5. The actual cure amount due under the terms of the Lease is \$163,698.84.

6. The specific items comprising the cure amount due under the Lease are unpaid taxes represented by the following MFLP Invoices:

2016	Invoice #2	04/11/2018	\$63,222.54
2017	Invoice #2	04/11/2018	\$67,516.69
2018	Invoice #3	12/1/2018	\$32,959.61

7. Invoices for each of these items are attached hereto as Exhibits “A” and “B”.

Dated: Morristown, New Jersey

Respectfully submitted,

January 25, 2019

RIKER DANZIG SCHERER HYLAND
& PERRETTI LLP

s/ Curtis M. Plaza

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